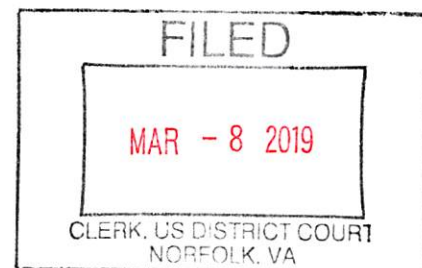


UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



MICHAEL JOSE ROBERTS, #10178-087,  
Petitioner,

v.

ACTION NO. 2:18cv321

J. RAY ORMOND, Warden,  
FCC Petersburg (Low),  
Respondent.

**FINAL ORDER**

This matter was initiated by Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241. Petitioner Michael Jose Roberts (“Petitioner” or “Mr. Roberts”) seeks to have allegedly inaccurate language in his Bureau of Prisons (“BOP”) record altered to modify the execution of his federal sentence on charges of distribution of heroin. A subsequent security reclassification made Mr. Roberts eligible to transfer to a minimum security camp. As a result, the Petition no longer alleges an active case or controversy, and the issue Petitioner raised in the Petition has been rendered moot.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. Report of the Magistrate Judge was filed on February 15, 2019, recommending granting Respondent’s Motion to Dismiss, denying the Petition and dismissing it as moot. By copy of the report, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge.

The Court has received no objections to the Magistrate Judge’s Report and Recommendation, and the time for filing objections has now expired. Accordingly, the Court has proceeded to review the findings and recommendations set forth in the Magistrate Judge’s report, and ADOPTS those

findings and recommendations. Therefore, it is ORDERED that Respondent's Motion to Dismiss is GRANTED, and that the Petition is DENIED and DISMISSED AS MOOT.

Finding that the basis for dismissal of Petitioner's § 2241 petition is not debatable, and alternatively finding that Petitioner has not made a "substantial showing of the denial of a constitutional right," a certificate of appealability is **DENIED**. 28 U.S.C. § 2253(c); *see* Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a); *Miller-El v. Cockrell*, 537 U.S. 322, 335–38 (2003); *Slack v. McDaniel*, 529 U.S. 473, 483–85 (2000).

Petitioner is **ADVISED** that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. Rule App. Proc. 22(b); Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a). If Petitioner intends to seek a certificate of appealability from the Fourth Circuit, he must do so **within sixty days** from the date of this Order. Petitioner may seek such a certificate by filing notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.

The Clerk shall mail a copy of this Final Order to petitioner and provide an electronic copy of the Final order to counsel of record for Respondent.

  
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Arenda L. Wright Allen  
United States District Judge

Norfolk, Virginia  
March 7<sup>th</sup>, 2019